



I confirm that I have read the privacy statement and that I have been informed that my opinion/replies provided in the interviews will not be associated with my personal information in the national country reports nor in the final Report, except for the name of my organisation.

### **PROTECTION OF YOUR PERSONAL DATA**

**This privacy statement provides information about the processing and the protection of your personal data.**

**Processing operation:** ELA research activities related to inspections and risk assessment in the domain of labour mobility in the Member States

**Data Controller:** The European Labour Authority, Enforcement and Analysis Unit

**Record reference:** DPR-ELA-2022-0054

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## **1. Introduction**

The European Labour Authority (hereafter 'ELA') is committed to protect your personal data and to respect your privacy. ELA collects and further processes personal data pursuant to [Regulation \(EU\) 2018/1725](#) of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data (repealing Regulation (EC) No 45/2001).

This privacy statement explains the reason for the processing of your personal data, the way we collect, handle and ensure protection of all personal data provided, how that information is used and what rights you have in relation to your personal data. It also specifies the contact details of the responsible Data Controller with whom you may exercise your rights, the Data Protection Officer and the European Data Protection Supervisor.

The information in relation to processing operation '*ELA Report on the long-term care sector*' (provisional title) undertaken by the Enforcement and Analysis Unit is presented below.

## **2. Why and how do we process your personal data?**

Purpose of the processing operation:

### **For research participants (e.g. interviewees):**

The Enforcement and Analysis Unit, through the external contractor acting on its behalf, collects and uses your personal information to assist the Member States in the effective and uniform application of the EU legislation regulating the labour mobility field.

### **For researchers and experts:**

We process the personal data of researchers and experts (including employees of external contractor and its consortium partners or independent experts contracted by the external contractor) involved in the drafting of the report or in conducting interviews for the purpose of evaluating their professional qualifications and determining whether their expertise aligns with the objectives of the research project. These individuals are not the subjects of the research, but rather contracted contributors responsible for carrying out data collection activities (e.g. interviews) and analysis on behalf of ELA.

To perform this assessment and to ensure proper coordination and quality control, the personal data of the researchers (e.g. name, CV, contact details) are shared by the external contractor with the Enforcement and Analysis Unit.

### **Contact persons from national authorities:**

The Enforcement and Analysis Unit collects your work contact information and shares this information with the external contractor, to request support for identifying suitable interviewees.

Based on Articles 4 and 10 of ELA Regulation, ELA carries out analyses on issues of cross-border labour mobility. The processing operation will be carried out in the context of a study aimed at offering analysis of application and enforcement of labour mobility and social security coordination rules in the long-term care sector.

Your personal data will not be used for an automated decision-making including profiling.

## **3. On what legal ground(s) do we process your personal data**

**For research participants:**

We process your personal data, because, according to Article 5(1)(d) you have given consent to the processing of your personal data for one or more specific purposes.

**For researchers and experts:**

We process your personal data, because, according to Article 5(1)(a) – processing is necessary for the performance of a task carried out in the public interest.

**For contact persons from national authorities:**

We process your personal data, because, according to Article 5(1)(a) – processing is necessary for the performance of a task carried out in the public interest.

We do not process special categories of personal data, therefore Article 10 of the Regulation (EU) 2018/1725 does not apply.

**4. Which personal data do we collect and further process?**

In order to carry out this processing operation, personal data are collected either by the Enforcement and Analysis Unit or on its behalf by its external contractor for this study, depending on the data subject category.

**For research participants:**

- **Identification data:** Name, surname, exact title of the function of the interviewee within the competent authority/organisation, contact details (telephone, e-mail).
- **Interview data:** Experiences, best practices and opinion about a specific situation, aim of the interview and date.

**For researchers and experts:**

**Identification data:** Name, surname, CV, contact details.

**For contact persons from national authorities:**

**Identification data:** Name, surname, title/function within the authority or institution, and contact details (e.g. official email address, telephone number).

The provision of personal data is not mandatory.

**5. How long do we keep your personal data?**

The European Labour Authority, Enforcement and Analysis Unit and the external contractor only keep your personal data for the time necessary to fulfil the purpose of collection or further processing, namely for:

**All data categories related to the research** (interviews, replies to questionnaires): 2 years from the publication of the study/report.

**Identification data:** 2 years from the publication of the study/report.

Following ELA filing plan and specific retention list of 27 May 2021, in particular ELA.7 Communication management> ELA.7.3 Publication and websites> ELA.7.3.2 Files with final

publications and studies, personal data will be deleted or anonymised 2 years after the reception of the raw data from the external contractors (processors) to ELA.

External processors will delete all personal data related to this research project no later than 2 years from the publication of the study. All Identification data of research participants and contact persons from national authorities will be deleted by the external processors no later than 2 years from the publication of the study/report.

The retention of personal data of researchers and experts by the external contractors is governed by the contractual obligations and applicable legal requirements arising from their engagement.

## **6. How do we protect and safeguard your personal data?**

All personal data in electronic format (e-mails, documents, databases, uploaded batches of data, etc.) are stored either on the servers of the European Labour Authority or of its contractors.

ELA's contractors are bound by a specific contractual clause for any processing operations of your data on behalf of ELA, and by the confidentiality obligations deriving directly from the General Data Protection Regulation in the EU Member States ('GDPR' [Regulation \(EU\) 2016/679](#)).

In order to protect your personal data, ELA has put in place a number of technical and organisational measures in place. Technical measures include appropriate actions to address online security, risk of data loss, alteration of data or unauthorised access, taking into consideration the risk presented by the processing and the nature of the personal data being processed. Organisational measures include restricting access to the personal data solely to authorised persons with a legitimate need to know for the purposes of this processing operation.

## **7. Who has access to your personal data and to whom is it disclosed?**

### **For research participants:**

Your personal data is collected by the external contractor, who acts on behalf of ELA. ELA staff will not have access to your personal data. Such staff abide by statutory, and when required, additional confidentiality agreements.

The external contractor staff will have access to specific parts of the personal data on a need to know basis.

### **For researchers and experts:**

Access to your personal data is provided by the external contractor to ELA staff responsible for carrying out this processing operation and to authorised staff according to the "need to know" principle. Such staff abide by statutory, and when required, additional confidentiality agreements.

### **For contact persons from national authorities:**

Access to your personal data is provided by ELA to the external contractor to request support for identifying suitable interviewees.

No report published by the European Labour Authority will contain personal data.

*Please note that pursuant to Article 3(13) of the Regulation, public authorities (e.g. Court of Auditors, EU Court of Justice) which may receive personal data in the framework of a particular inquiry in accordance with Union or Member State law shall not be regarded as recipients. The*

*processing of those data by those public authorities shall be in compliance with the applicable data protection rules according to the purposes of the processing.*

The information we collect will not be given to any third party, except to the extent and for the purpose we may be required to do so by law.

## **8. What are your rights and how can you exercise them?**

You have specific rights as a 'data subject' under Chapter III (Articles 14-25) of Regulation (EU) 2018/1725, in particular the right to access, your personal data and to rectify them in case your personal data are inaccurate or incomplete. Where applicable, you have the right to erase your personal data, to restrict the processing of your personal data, to object to the processing, and the right to data portability.

You have consented to provide your personal data for the present processing operation. You can withdraw your consent at any time by notifying the Data Controller. The withdrawal will not affect the lawfulness of the processing carried out before you have withdrawn the consent.

You can exercise your rights by contacting the Data Controller, or in case of conflict the Data Protection Officer. If necessary, you can also address the European Data Protection Supervisor. Their contact information is given under Heading 9 below.

Where you wish to exercise your rights in the context of one or several specific processing operations, please provide their description (i.e. their Record reference(s) as specified under Heading 10 below) in your request.

## **9. Contact information**

### **- The Data Controller**

If you would like to exercise your rights under Regulation (EU) 2018/1725, or if you have comments, questions or concerns, or if you would like to submit a complaint regarding the collection and use of your personal data, please feel free to contact the Data Controller:

[analysis@ela.europa.eu](mailto:analysis@ela.europa.eu)

### **- The Data Protection Officer (DPO) of ELA**

You may contact the Data Protection Officer ([data-protection@ela.europa.eu](mailto:data-protection@ela.europa.eu)) with regard to issues related to the processing of your personal data under Regulation (EU) 2018/1725.

### **- The European Data Protection Supervisor (EDPS)**

You have the right to have recourse (i.e. you can lodge a complaint) to the European Data Protection Supervisor ([edps@edps.europa.eu](mailto:edps@edps.europa.eu)) if you consider that your rights under Regulation (EU) 2018/1725 have been infringed as a result of the processing of your personal data by the Data Controller.

## **10. Where to find more detailed information?**

ELA Data Protection Officer (DPO) publishes the register of all processing operations on personal data by ELA, which have been documented and notified to him. You may access the register via the following link: <https://www.ela.europa.eu/en/privacy-policy>.

This specific processing operation has been included in the DPO's public register with the following Record reference: DPR-ELA-2022-0054: ELA research activities related to inspections and risk assessment in the domain of labour mobility in the Member States.